

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEROY WILLIAMS,

Plaintiff,

No. CIV S-05-0838 DFL CMK P

vs.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1). Authority to proceed in forma pauperis was granted by separate order.

The complaint states a cognizable claim for relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b) against defendant Marcus Cole, M.D.¹ If the allegations of the complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits of this action. The court, therefore, finds that service is appropriate and will direct service by the U.S.


¹The court has filed separate findings and recommendations recommending that plaintiff's claims against defendants Jeanne S. Woodford, Arnold Schwarzenegger and Evelyn Horowitz be dismissed for failure to state a claim upon which relief can be granted.

1 Marshal without pre-payment of costs. Plaintiff is informed, however, that this action cannot
2 proceed further until plaintiff complies with this order. Plaintiff is warned that failure to comply
3 with this order may result in dismissal of the action. See Local Rule 11-110.

4 In accordance with the above, IT IS HEREBY ORDERED that:

- 5 1. Service is appropriate for the following defendants: Marcus Cole
- 6 2. The Clerk of the Court shall send plaintiff one USM-285 forms, one summons,
7 an instruction sheet and a copy of the complaint filed April 6, 2005.
- 8 3. Within thirty days from the date of this order, plaintiff shall complete the
9 attached Notice of Submission of Documents and submit the following documents to the court:
 - 10 a. The completed Notice of Submission of Documents;
 - 11 b. One completed summons;
 - 12 c. One completed USM-285 form for each defendant listed in number 3
13 above; and
 - 14 d. Two copies of the endorsed complaint filed April 6, 2005.
- 15 4. Plaintiff need not attempt service on defendants and need not request waiver of
16 service. Upon receipt of the above-described documents, the court will direct the United States
17 Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4
18 without payment of costs.

19
20 DATED: April 26, 2006.

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22 
23 **CRAIG M. KELLISON**
24 UNITED STATES MAGISTRATE JUDGE
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Plaintiff,

No. CIV

vs.

Defendants.

NOTICE OF SUBMISSION
OF DOCUMENTS

_____/

Plaintiff hereby submits the following documents in compliance with the court's
order filed _____:

_____ completed summons form

_____ completed USM-285 forms

_____ copies of the _____
Complaint/Amended Complaint

DATED:

Plaintiff